UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/527,188	03/17/2000	David M. Greschler	111283.131 US1	3633

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WILMER CUTLER PICKERING HALE AND DORR LLP
60 STATE STREET
BOSTON, MA 02109

EXAMINER
JACOBS, LASHONDA T

ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>15 September 2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _____ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-38 and 43-48* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
   application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

This Office Action is in response to Applicant's RCE filed on September 15, 2004. Claims 1-38

and 43-48 are presented for further examination.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims **1-8, 10-13, 15-27, 29-32, 34-38** and **43-48** are rejected under 35 U.S.C. 103(a) as

being unpatentable over Peterson et al (hereinafter, "Peterson" 6,502,137) in view of Cox et al

(hereinafter, "Cox", 6,324,578).

As per claim **1**, Peterson discloses a method for serving application programs over a

computer network from an application server system to a target computer, the method

comprising:

- the target computer signaling the application server system with a request for an

  application program (abstract, col. 1, lines 18-36, col. 3, lines 15-41 and lines 55-65);

- the application server system responding to the request by transferring an application

  descriptor to the target computer (abstract, col. 1, 18-36, col. 3, lines 15-41, lines 55-65,

  col. 4, lines 64-67, col. 5, lines 1-51, col. 8, lines 19-42, col. 9, lines 17-67 and col. 10,

  lines 1-7);

- the application descriptor being read by a helper application executing on the target

  computer (abstract, col. 1, lines 18-36, col. 5, lines 1-8, col. 9, lines 17-67 and col. 10);

  and

- the helper application controlling the target computer to execute the application

  program, which resides on the application server system (abstract, col. 1, lines 18-36,

  col. 5, lines 1-8, col. 9, lines 17-67 and col. 10).

However, Peterson does not explicitly disclose:

- the helper application determining from the application descriptor a configuration

  required by the target computer to execute the requested application program; and

- using said configuration, whereby portions of the application program are retrieved and

  executed.

Cox discloses a method, system and computer program products for management of

configurable application programs on a network including:

- the helper application determining from the application descriptor a configuration

  required by the target computer to execute the requested application program (col. 6,

  lines 46-62, col. 7, lines 66-67 and col. 8, lines 1-20); and

- using said configuration, whereby portions of the application program are retrieved and

  executed (col. 6, lines 46-62, col. 7, lines 66-67 and col. 8, lines 1-20).

Given the teaching of Cox, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to modify Peterson by including an application launcher and

configuration manager to determine if the a client has the appropriate configurations to execute

the requested application in order to provide a network to operate as an on-demand server for

software deployment.

As per claim **20**, Peterson discloses an application serving system operating across a

computer network, the system comprising:

- a target computer that requests an application program (abstract, col. 1, lines 18-36, col.

  3, lines 15-41 and lines 55-65);

- an application server system that responds to the request by transferring an application

  descriptor to the target computer (abstract, col. 1, 18-36, col. 3, lines 15-41, lines 55-65,

  col. 4, lines 64-67, col. 5, lines 1-51, col. 8, lines 19-42, col. 9, lines 17-67 and col. 10,

  lines 1-7).

However, Peterson does not explicitly disclose:

- a helper process executing on the target computer that reads the application descriptor <u>to</u>

  <u>determine a configuration required by the target computer to execute the application</u>

  <u>program, the helper process</u> and <u>controlling</u> the target computer to execute the

  application program <u>using said configuration, wherein</u> at least <u>a portion of the</u>

  <u>application program</u> resides on the application server system.

Cox discloses a method, system and computer program products for management of

configurable application programs on a network including:

- a helper process executing on the target computer that reads the application descriptor <u>to</u>

  <u>determine a configuration required by the target computer to execute the application</u>

  <u>program, the helper process</u> and <u>controlling</u> the target computer to execute the

  application program <u>using said configuration, wherein</u> at least <u>a portion of the</u>

application program resides on the application server system (col. 6, lines 46-62, col. 7,

lines 66-67 and col. 8, lines 1-20).

Given the teaching of Cox, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to modify Peterson by including an application launcher and

configuration manager to determine if the a client has the appropriate configurations to execute

the requested application in order to provide a network to operate as an on-demand server for

software deployment.

As per claim **43**, Peterson discloses a method for providing a software application program

from an application server system to a target computer over a network, the method comprising:

- sending an application request signal, indicative of the software application program,

  from the target computer to the application server system (abstract, col. 1, lines 18-36,

  col. 3, lines 15-41 and lines 55-65);

- receiving an application descriptor from the application server system, the application

  descriptor corresponding to the software application server system (abstract, col. 1, 18-

  36, col. 3, lines 15-41, lines 55-65, col. 4, lines 64-67, col. 5, lines 1-51, col. 8, lines 19-

  42, col. 9, lines 17-67 and col. 10, lines 1-7);

- receiving said software application program elements from the application server system

  over the network (col. 3, lines 15-23); and

- executing the software application program on the target computer using the received

  executable software application program elements (col. 3, lines 15-23, lines 55-65 and

  col. 5, lines 23-44).

However, Peterson does not explicitly disclose:

- responsive to information in the application descriptor, executing the helper application on the target computer, the helper application using the information in the application descriptor and identifying <u>a configuration of</u> application program elements <u>required</u> by the target computer to <u>execute</u> the software application program (col. 3, lines 15-23, lines 55-65 and col. 5, lines 23-44).

Cox discloses a method, system and computer program products for management of configurable application programs on a network including:

- responsive to information in the application descriptor, executing the helper application on the target computer, the helper application using the information in the application descriptor and identifying <u>a configuration of</u> application program elements <u>required</u> by the target computer to <u>execute</u> the executable application program (col. 6, lines 46-62, col. 7, lines 66-67 and col. 8, lines 1-20).

Given the teaching of Cox, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Peterson by including an application launcher and configuration manager to determine if the a client has the appropriate configurations to execute the requested application in order to provide a network to operate as an on-demand server for software deployment.

As per claims **2** and **21**, Peterson further discloses:

- the target computer signaling the server system with the request for the application by user selection of a link, which is displayed by a browser associated with the application program (col. 3, lines 55-67 and col. 4, lines 1-6).

As per claims **3** and **22**, Peterson further discloses:

- the link containing an application identifier that identifies the requested application

  program to the application server system (col. 3, lines 55-67 and col. 4, lines 1-6).

As per claims **4** and **23**, Peterson further discloses:

- the link pointing to the browser to the application server system (col. 3, lines 55-67 and

  col. 4, lines 1-6).

As per claims **5** and **24**, Peterson discloses:

- wherein activating the link triggers the downloading of the application descriptor from

  the application server system to the target computer (col. 3, lines 15-23, lines 55-67 and

  col. 4, lines 1-6).

As per claims **6** and **25**, Peterson further discloses:

- the application server system encrypting the application descriptor prior to transmission

  to the target computer (col. 2, lines 30-44 and col. 9, lines 17-53).

As per claims **7** and **26**, Peterson further discloses:

- invoking the helper application in response to the receipt of the application descriptor on

  the target computer (col. 5, lines 1-8, col. 9, lines 17-67 and col. 10).

As per claims **8** and **27**, Peterson further discloses:

- maintaining the helper application on a graphical user interface of the target computer

  (col. 5, lines 1-8, col. 9, lines 17-67 and col. 10).

As per claims **10** and **29**, Peterson further discloses:

- issuing a command to a browser to display a follow-up page in response to termination

  of the application program on the target computer (col. 10, lines 53-67 and col. 11, lines

  1-28).

As per claims **11** and **30**, Peterson further discloses:

- the application descriptor, minimum system requirements information, which is used by
  the target computer to ensure that adequate system resources are available to run the
  application program (col. 3, lines 35-42).

As per claims **12** and **31**, Peterson discloses:

- wherein the application descriptor contains transaction mode information (col. 8, lines
  44-55).

As per claims **13** and **32**, Peterson discloses:

- wherein the application descriptor contains application server information indicating a
  host computer to which the target computer is attach to receive the application program
  (col. 9, lines 17-67 and col. 10, lines 1-7).

As per claims **15** and **34**, Peterson discloses:

- tracking by the server system a status of the operation of the application program on the
  target computer (col. 6, lines 15-17).

As per claims **16** and **35**, Peterson discloses:

- a failure server of the application server system receiving error log information from the
  helper in response to improper operation of the application program on the target
  computer (col. 6, lines 15-17).

As per claims **17** and **36**, Peterson discloses:

- the application descriptor containing application server information indicating a host
  computer of application server system to which the target computer is attached to

receive the application program, the host computer being selected to load-balance across

the application server system (col. 3, lines 35-42).

As per claims **18** and **37**, Peterson discloses:

- the target computer mounting the server system to access the application program (col.

  3, lines 16-24, lines 55-67, and col. 4, lines 1-6).

As per claims **19** and **38**, Peterson discloses:

- the target computer accessing the server system via port 80 (col. 9, lines 64-67 and col.

  10, lines 1-7).

As per claim **44**, Peterson further discloses:

- selecting a link associated with the software application program (col. 3, lines 55-67 and

  col. 4, lines 1-6).

As per claim **45**, Peterson further discloses:

- installing or updating the helper application on the target computer (col. 5, lines 23-33).

As per claim **46**, Peterson further discloses:

- decrypting the application descriptor if the application descriptor is received in

  encrypted form (col. 5, lines 45-50).

As per claim **47**, Peterson further discloses:

- checking a firewall proxy to allow streaming of the application program elements from

  the application server system to the target computer (col. 1, lines 58-67, col. 2, lines 1-

  15 and lines 20-44; Peterson discloses a security mechanism that checks and approves a

  client a request to ensure that the client has the ability to play or receive the requested

  metadata. Therefore, Peterson explicitly discloses checking a firewall proxy to allow

streaming of the executable application program elements from the application server

system to the target computer).

As per claim **48**, Peterson discloses:

- wherein receiving the application program elements comprises receiving streaming data

  including the executable application program elements (col. 3, lines 15-23, lines 55-65

  and col. 5, lines 23-44).

3.   Claims **9**, **14**, **28**, and **33** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Peterson in view of Cox and in further view of de Hond.

As per claims **9** and **28**, Peterson in view of Cox discloses the invention substantially as

claims discussed above.

Even though Peterson in view of Cox discloses a helper application within the client

computer allowing the user to view video received over the Internet it obvious that the helper

application can be used to assist the user in viewing any information over the Internet. However,

as far as the helper application being used to display advertisements to the target computer,

Peterson in view of Cox does not explicitly disclose these features.

de Hond discloses a system comprising a helper application that is used to display

advertisements to the target computer (col. 2, lines 45-67, col. 3, lines 1-4, lines 18-48, col. 5,

lines 52-67, col. 6, lines 1-9, col. 8, lines 31-67, and col. 9, lines 1-6).

Given the teaching of de Hond, it would have been obvious to one of ordinary skill in the

art to modify the combine system of Peterson and Cox by specifying that helper application

within the client system can display advertisements allowing the user to view advertisements

being displayed the browser.

As per claims **14** and **33**, Peterson in view of Cox discloses the invention substantially as

claims discussed above.

However, Peterson in view of Cox does not explicitly disclose:

- wherein the application descriptor contains advertisement information indicating a host

    computer to which the target computer is attach to receive advertisements.

de Hond discloses a system comprising:

- wherein the application descriptor contains advertisement information indicating a host

    computer to which the target computer is attach to receive advertisements (col. 2, lines

    45-67, col. 3, lines 1-4, lines 18-48, col. 5, lines 52-67, col. 6, lines 1-9, col. 8, lines 31-

    67, and col. 9,lines 1-6).

Given the teaching of de Hond, it would have been obvious to one of ordinary skill in the

art to modify the combine system of Peterson and Cox by including advertisements in the

application descriptor allowing the user to view advertisements being displayed the browser.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to LaShonda T Jacobs whose telephone number is 571-272-4004.

The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T Jacobs
Examiner
Art Unit 2157

ltj
November 16, 2004

ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100